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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**JOINT DISCOVERY STATUS REPORT**

Pursuant to the Court's March 13, 2013 Case Management Order (Dkt. 350), the parties submit this joint discovery status report.

**I. Status of Discovery**

Since the March 1, 2013 Joint Discovery Status Report (Dkt. 336), the following depositions have taken place:

- Jerry Sastri (Adobe) on March 8, 2013.
- Bruce Chizen (Adobe) on March 15, 2013.
- David Alvarez (Apple) on March 5, 2013.
- Rich Bechtel (Apple) on March 7, 2013.
- Steven Burmeister (Apple) on March 15, 2013.
- Frank Wagner (Google) March 7, 2013.
- Omid Kordestani (Google) March 11, 2013.
- Jonathan Rosenberg (Google) March 13, 2013.
- Randall Goodwin (Intel) on March 15, 2013.
- Sherry Whiteley (Intuit) on March 14, 2013.
- Lori Beck (Lucasfilm) on March 8, 2013.
- Stephanie Sheehy (Pixar) on March 5, 2013.

The following are the dates of outstanding depositions that have been or are being scheduled:

- Natalie Kessler (Adobe) on March 22, 2013.
- Rosemary Arriada-Keiper (Adobe) on March 26, 2013.
- John Warnock (Adobe), on any day the week of March 25, 2013, pending Plaintiffs' response of their preferred date.
- Debbie Streeter (Adobe) on March 27 or March 29, 2013, pending Plaintiffs' response of their preferred date.
- Kim Hoffman (Adobe) on March 29, 2013, pending Plaintiffs' confirmation.
- Tony Fadell (Apple) on March 20, 2013.
- Tim Cook (Apple) on March 21, 2013.
- Bob Mansfield (Apple) on March 26, 2013.
- Brian Croll (Apple) on March 28, 2013.
- Ann Reeves (Apple) on March 29, 2013.
- Sergey Brin (Google) on March 19, 2013.
- Larry Page (Google) on March 22, 2013.

- Laszlo Bock (Google) on March 27, 2013.
- Charles Gray (former Google) on March 29, 2013.
- Patrick Flynn (former Google) on April 4, 2013.
- Daniel McKell (Intel) on March 20, 2013.
- Renee James (Intel) on March 22, 2013.
- Tina Evangelista (Intel) on March 29, 2013.
- Mason Stubblefield (Intuit) on March 18, 2013.
- Chris Galy (Intuit) on March 20, 2013.
- Scott Cook (Intuit) on March 22, 2013.
- Alex Lintner (Intuit) on March 28, 2013.
- Robert DeMartini (Intuit) on April 1, 2013.<sup>1</sup>
- Mason Stubblefield (Intuit) on March 18, 2013.
- Lynwen Brennan (Lucasfilm) on March 19, 2013.
- Steve Condiotti (Lucasfilm) on March 20, 2013.
- George Lucas (Lucasfilm) on March 28, 2013.
- Dana Batali (Pixar) on March 19, 2013.
- John Kirkman (Pixar) on March 22, 2013.

Since the March 1, 2013 Joint Discovery Status Report (Dkt. 336), the parties have produced the following additional documents:

- Adobe produced over 1,472 documents, consisting of approximately 20,497 pages.<sup>2</sup>
- Apple produced 6,054 documents, consisting of 33,240 pages.

<sup>1</sup> The parties agreed to April 1 because Mr. DeMartini, a non-executive employee, is unavailable until that date. Mr. DeMartini is traveling on March 18, and will be in a leadership conference from March 19-22. On March 22, he will be leaving the country for India, returning on March 29.

<sup>2</sup> Adobe's document productions were predominantly from custodians Rosemary Arriada-Keiper and Debbie Streeter, who are respectively scheduled to be deposed March 26, 2013 and March 27 or 29, 2013. The documents are mostly third party salary surveys and PowerPoint presentations, both of which categories are duplicative of documents produced earlier in this litigation. The number of pages is deceiving. Some surveys were .txt files in native format. When converted, the .txt files turned into hundreds of pages.

- Google produced 55 documents, consisting of 39,440 pages.
- Intel produced 5,921 documents, consisting of 117,568 pages.<sup>3</sup>
- Intuit produced 80 documents, consisting of 1,166 pages.
- Lucasfilm produced 1,578 documents, consisting of 8,921 pages.
- Pixar produced 74 documents, consisting of 455 pages.
- Plaintiffs produced 5 documents, consisting of 8 pages, concerning a non-Plaintiff.

## **II. New Discovery Developments**

Yesterday, in a supplemental initial disclosure statement, plaintiffs identified two witnesses, Stephanie Buran and Paul Schreiber, likely to have discoverable information that Plaintiffs may use to support their claims. Reserving the right to object to the lateness of the disclosure, Defendants intend to serve discovery, review responsive documents, and schedule depositions of these newly disclosed witnesses. Plaintiffs' position is that they learned of these former defendant employees as potential witnesses in the course of the case, and did not know (and could not have known) about either at the time they prepared initial disclosures. Plaintiffs note that Ms. Buran has previously been identified as a document custodian and has been the subject of deposition testimony; Defendants have known about her relevance for at least five months. Mr. Schreiber's relevance relates to emails from Google employees using Google email accounts that Google itself never identified or produced in discovery. These emails show Google cancelling its recruiting of Mr. Schreiber in accordance with its agreement with Apple. Any "lateness" objection by the Defendants would be without basis.

Yesterday, Plaintiffs requested a deposition of a former Pixar employee, Greg Brandeau, whom Pixar identified in its April 6, 2012 interrogatory responses as a person knowledgeable about issues in the case. Pixar understands that Mr. Brandeau is not available for a deposition until after the week of April 29. Pixar produced documents regarding Mr. Brandeau on November 30, 2011. Plaintiffs identified Mr. Brandeau as a witness in connection with reviewing Pixar's documents in preparation for depositions scheduled the week of March 18, 2013.

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<sup>3</sup> 81,296 pages are from 1,208 Excel spreadsheets, which were also produced in native format unless they required privilege or privacy redaction.

Respectfully submitted,

Dated: March 15, 2013

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8 **ATTESTATION:** Pursuant to General Order 45, Part X-B, the filer attests that concurrence in  
9 the filing of this document has been obtained from all signatories.  
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